

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

Susan Neese, M.D and **James Hurly, M.D.**, on behalf of themselves and others similarly situated,

Plaintiffs,

v.

Xavier Becerra, in his official capacity as Secretary of Health and Human Services; **United States of America**,

Defendants.

Case No. 2:21-cv-00163-Z

DECLARATION OF JONATHAN F. MITCHELL

I, Jonathan F. Mitchell, being duly sworn, states as follows:

1. My name is Jonathan F. Mitchell. I am over 18 years old and fully competent to make this declaration.

2. I have personal knowledge of the facts stated in this declaration, and all of these facts are true and correct.

3. I represent plaintiffs Susan Neese and James Hurly in this litigation.

4. The document attached as Exhibit 1 to this brief is an authentic copy of the March 2022 version of the Centers for Medicare & Medicaid Services Fast Facts, which I downloaded from the CMS website at <https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/CMS-Fast-Facts>, on August 5, 2022.

This concludes my sworn statement. I swear under penalty of perjury that the facts stated in this declaration are true and correct.

Jonathan F. Mitchell

JONATHAN F. MITCHELL

Dated: August 5, 2022